

Appl. No. 10/034,579
Amdt. dated March 5, 2004
Reply to Office Action of December 30, 2003

REMARKS

The dependency of claims 5 and 27 has been corrected to overcome the Examiner's objections. In claim 5, the numeral 4 did not appear to have been deleted in the previous amendment due to the new amendment format. The dependency problem in claim 27 arose when the claims were re-numbered, and was not noticed in the last action.

The allowance of claims 1, 3, 5, 6, 9-12 and 22-25 is noted with appreciation. Since claims 26-28 depend from claim 1, these claims should also be allowable.

The withdrawal of the rejection of claims 13-17 citing Farquhar U.S. 3,303,582 in view of Hernecq is noted with appreciation. Claims 13-17, 26, and 28 now stand rejected under 35 U.S.C. §103 as being unpatentable over Farquhar in view of Moedt U.S. 5,379,271. The rejection of claims 26 and 28 is believed to be in error, insofar as these claims depend from claim 1, which stands allowed. The rejection of claims 13-17 is traversed for the reasons following:

Farquhar (Fig. 9) discloses a terrestrial-celestial display apparatus comprising a light transmissive inner hollow body 100 that has a central axis and a surface with terrestrial images thereon, and an outer hollow body 20 having a common central axis and a surface on which celestial bodies are printed for projection onto a dome-like viewing surface mounted above the projection unit (col. 1, lines 34-39).

The outer hollow body does not have "an area comprising translucent material which serves as a projection screen onto which the images can be projected" (claim 13). On the contrary, "the transparent star map projection globe 20.... is preferably manufactured from a transparent plastic" (col. 3, lines 23-26). There is no indication whatsoever that the globe 20 can have a translucent area which serves as a projection screen on which the images on the inner globe can be projected.

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The examiner states that the outer hollow body 20 of Farquhar serves as a projection screen, referring to col. 6, lines 30-35. This passage reads as follows:

The invention disclosed hereinabove relates to a basic apparatus for mounting, displaying and projecting both terrestrial and celestial information in various forms from transparent globes, and includes attachments for simulating the position and movement of the moon as well as the other planets.

This passage in no way suggests that the outer globe serves as a projection screen onto which images can be projected. On the contrary, it clearly states that it is transparent, and that celestial information is projected from it. The reference to projection of terrestrial information refers to projection of the images on the inner globe through the transparent outer globe and onto the dome or other surface outside of the outer globe.

Moedt (Fig. 2) discloses an outer translucent globe having images of the earth's features and an inner globe which is half reflective and half absorbent, thereby giving the outer globe the appearance of the day and night, thus simulating a view of earth from space. There is no internal light source, and there are no images projected from the inner globe onto the outer globe.

Based on the disclosures of Farquhar and Moedt, the examiner reaches the following conclusion:

Since Farquhar disclose the transparent material used for the projection screen, it is understood that outer globe of Farquhar may be made of translucent material, as shown by Moedt (see Abstract) [sic], what is a matter of the design choice, because do not change projection function. (See page 3 of office action)

This statement contains several errors. First, Farquhar does not disclose translucent material which serves as a projection screen onto which images can be projected. Rather, Farquhar discloses a transparent material from which images are projected. Second, neither reference contains any suggestion to make the outer globe of Farquhar of translucent material. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the

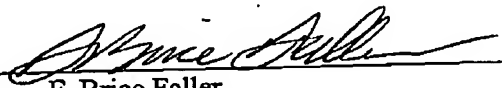
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claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Third, substitution of the translucent earth globe of Moedt for the transparent outer globe of Farquhar would completely defeat the teaching of Farquhar, which is the projection of stars from the outer globe onto an outlying surface. If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The examiner's statement that it is "a matter of design choice, because do not change projection function" represents a complete disregard of the teachings of these references.

In sum, not only do the references fail to disclose the elements of claim 13, in particular a projection screen, but the combination propounded by the examiner yields a contraption which does not serve any useful function. That is, the substitution of the outer globe of Moedt for the outer globe of Farquhar yields two concentric globes bearing images of the earth, which would cast multiple overlying images of the earth's continents onto some outlying surface.

Entry of the amendment and withdrawal of the rejection of claims 13-17 and 26-28 are most earnestly solicited. If any objections remain, a call to the undersigned is requested.

Respectfully submitted,
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